

By: Farrar

H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

relating to the liability of certain social workers who provide
volunteer health care services to charitable organizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 84.003(5), Civil Practice and Remedies
Code, is amended to read as follows:

(5) "Volunteer health care provider" means an
individual who voluntarily provides health care services without
compensation or expectation of compensation and who is:

(A) an individual who is licensed to practice
medicine under Subtitle B, Title 3, Occupations Code;

(B) a retired physician who is eligible to
provide health care services, including a retired physician who is
licensed but exempt from paying the required annual registration
fee under Section 156.002, Occupations Code;

(C) a physician assistant licensed under Chapter
204, Occupations Code, or a retired physician assistant who is
eligible to provide health care services under the law of this
state;

(D) a registered nurse, including an advanced
nurse practitioner, or vocational nurse, licensed under Chapter
301, Occupations Code, or a retired vocational nurse or registered
nurse, including a retired advanced nurse practitioner, who is
eligible to provide health care services under the law of this

1 state;

2 (E) a pharmacist licensed under Subtitle J, Title
3 3, Occupations Code, or a retired pharmacist who is eligible to
4 provide health care services under the law of this state;

5 (F) a podiatrist licensed under Chapter 202,
6 Occupations Code, or a retired podiatrist who is eligible to
7 provide health care services under the law of this state;

8 (G) a dentist licensed under Subtitle D, Title 3,
9 Occupations Code, or a retired dentist who is eligible to provide
10 health care services under the law of this state;

11 (H) a dental hygienist licensed under Subtitle D,
12 Title 3, Occupations Code, or a retired dental hygienist who is
13 eligible to provide health care services under the law of this
14 state;

15 (I) an optometrist or therapeutic optometrist
16 licensed under Chapter 351, Occupations Code, or a retired
17 optometrist or therapeutic optometrist who is eligible to provide
18 health care services under the law of this state;

19 (J) a physical therapist or physical therapist
20 assistant licensed under Chapter 453, Occupations Code, or a
21 retired physical therapist or physical therapist assistant who is
22 eligible to provide health care services under the law of this
23 state;

24 (K) an occupational therapist or occupational
25 therapy assistant licensed under Chapter 454, Occupations Code, or
26 a retired occupational therapist or occupational therapy assistant
27 who is eligible to provide health care services under the law of

1 this state; ~~[or]~~

2 (L) an audiologist, assistant in audiology,
3 speech-language pathologist, or assistant in speech-language
4 pathology licensed under Chapter 401, Occupations Code, or a
5 retired audiologist, assistant in audiology, speech-language
6 pathologist, or assistant in speech-language pathology who is
7 eligible to provide health care services under the laws of this
8 state; or

9 (M) a social worker licensed under Chapter 505,
10 Occupations Code, or a retired social worker who is eligible to
11 engage in the practice of social work under the law of this state.

12 SECTION 2. This Act applies only to a cause of action that
13 accrues on or after the effective date of this Act. A cause of
14 action that accrued before the effective date of this Act is
15 governed by the law applicable to the cause of action immediately
16 before the effective date of this Act, and that law is continued in
17 effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2011.